

Message Text

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FM SECSTATE WASHDC

TO AMEMBASSY LONDON

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FOLLOWING SENT SECSTATE INFO USUN, ANKARA, NICOSIA, BUCHAREST,
ATHENS, CARACAS, CANBERRA, OSLO, NAIROBI FROM GENEVA ON JUL 21,
RPTD TO YOU:

QUOTE

EO 11652: N/A

TAGS: PBOR, UN

SUBJ: LOS: SEABED COMMITTEE MEETING, SUBCIMTE II
WORKING GROUP, JULY 17, 1973

1. SUMMARY. WORKING GROUP DISCUSSED MARITIME BOUNDARY
STATUS OF ISLANDS AND OUTER LIMIT OF COASTAL STATE
CONTINENTAL SHELF ENTITLEMENT. WORKING GROUP AGREED TO
MOVE INTO DISCUSSION OF ECONOMIC ZONE AND PREFERENTIAL
RIGHTS (IE FISHERIES). COMPARATIVE TABLE OF PRO-
POSALS AND CONSOLIDATED TEXT ON TERRITORIAL SEA WILL
BE AVAILABLE BY END OF WEEK.

2. TURKISH REP DISCUSSED QUESTION OF CONTINENTAL
SHELF DELIMITATION FOR ADJACENT OR OPPOSITE STATES AS
WELL AS CONTINENTAL SHELF ENTITLEMENT OF ISLANDS. REP
ARGUED THAT ISLANDS CLOSE TO ANOTHER STATE'S COASTLINE
CONSTITUTED SPECIAL CIRCUMSTANCES. SUCH ISLANDS COULD
NOT HAVE INDEPENDENT CONTINENTAL SHELVES WHICH WOULD
DEROGATE FROM RIGHTS OF COASTAL STATES.

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3. CYPRUS REP STATED THAT IN ABSENCE OF AGREEMENT OPPOSITE OR ADJACENT STATES SHOULD USE MEDIAN LINES TO DETERMINE MARITIME BOUNDARIES. HE DID NOT BELIEVE ISLANDS SHOULD BE PLACED IN LESSER CATEGORY THAN OTHER TERRITORIES BY BEING CONSIDERED SPECIAL CIRCUMSTANCES.

4. ROMANIAN REP THOUGHT THERE COULD BE PLURALITY OF REGIMES FOR ISLANDS. IN ABSENCE OF AGREEMENT, MEDIAN LINE MIGHT BE APPLIED WHERE THERE WERE NO SPECIAL CIRCUMSTANCES.

5. GREEK REP ASSERTED THAT CONCEPT OF SPECIAL CIRCUMSTANCES FOR ISLANDS WAS VAGUE AND SUBJECTIVE. ACCORDING TO ARTICLE 10 OF TERRITORIAL SEA AND CONTIGUOUS ZONE ISLANDS WERE ENTITLED TO A TERRITORIAL SEA. CONTINENTAL SHELF CONVENTION GAVE CONTINENTAL SHELF ENTITLEMENT TO ALL STATES WHETHER CONTINENTAL OR INSULAR.

6. VENEZUELAN REP STATED THAT TIME HAD ARRIVED FOR WORKING GROUP TO CONCENTRATE ON ITEM 6 - PATRIMONIAL SEA OR ECONOMIC ZONE. THERE WERE A NUMBER OF CONCRETE TEXTS RECENTLY SUBMITTED TO WORKING GROUP FOR THIS PURPOSE. US INTERVENED TO ASK IF ITEM 7 ON LIST WOULD BE CONSIDERED ALONG WITH ITEM 6. VENEZUELAN REP STATED THAT HE HAD NO OBJECTION TO CONSIDERING ITEM 6 ON ECONOMIC ZONE IN CONJUNCTION WITH ITEM 7 (WHICH PROVIDES FOR COASTAL STATE PREFERENTIAL RIGHTS BEYOND TERRITORIAL SEA). USSR HAD NO OBJECTION TO PROPOSAL BY VENEZUELA, SUPPORTED US VIEW ON ITEM 7, AND ASKED IF CHAIRMAN HAD COMPLETED CONSOLIDATED TEXT OF TERRITORIAL SEA. CHAIRMAN REPLIED THAT VENEZUELAN SUGGESTION REGARDING CONSIDERATION OF ECONOMIC ZONE, CONTINENTAL SHELF, PREFERENTIAL RIGHTS AND FISHING APPEARED TO BE GENERALLY ACCEPTABLE. DISCUSSION WOULD BEGIN WITHOUT WAITING FOR COMPARATIVE TABLE. CHAIRMAN STATED CONSOLIDATED TEXT WAS COMPLETED, EXCEPT FOR TEXT OF NEW PROPOSALS, AND WOULD BE AVAILABLE IN DAY OR TWO.

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7. AUSTRALIAN OPENED AFTERNOON SESSION WITH EXPLANATION OF ECONOMIC ZONE PROPOSAL WHICH IT HAD SUBMITTED WITH NORWAY AS CO-SPONSOR. REP (AMB.HARRY) STATED THAT PRINCIPLES THEREIN WERE SIMILAR TO PATRIMONIAL SEA APPROACH EXCEPT THAT COASTAL STATE HAD RIGHT TO RETAIN SEABED RESOURCES WHERE NATURAL PROLONGATION EXTENDED BEYOND 200 MILES. IN ADDITION PROPOSAL DID NOT DEFINE OUTER EDGE OF CONTINENTAL MARGIN. SHIPS AND

AIRCRAFT WOULD ENJOY FREEDOM OF NAVIGATION AND OVER-FLIGHT AND OTHER HIGH SEAS RIGHTS WOULD BE RETAINED IN ECONOMIC ZONE. PROVISIONS FOR DELIMITATION WERE ALSO INCLUDED.

8. NORWEGIAN REP STATED THEY SUPPORTED ECONOMIC ZONE AS BASIS FOR COASTAL STATE JURISDICTION. COASTAL STATES WOULD HAVE SOVEREIGN RIGHTS OVER NATURAL RESOURCES IN ECONOMIC ZONE, BUT FREEDOM OF NAVIGATION WOULD BE MAINTAINED. CONTINENTAL SHELF WAS PART OF ECONOMIC ZONE. REP STATED THAT HE AGREED WITH MUCH THAT HAD BEEN SAID BY THE UNITED STATES ON COMPATIBILITY BETWEEN COASTAL STATE JURISDICTION OVER RESOURCES AND INTERNATIONAL STANDARDS.

9. KENYAN REP STATED THAT AUSTRALIAN/NORWEGIAN PROPOSAL ASSUMED THAT INTERNATIONAL LAW EXTENDED COASTAL STATE RIGHTS OUT TO CONTINENTAL MARGIN. REP STATED HE HAD HEARD NO CONVINCING ARGUMENT THAT CONTINENTAL MARGIN RIGHTS HAD ACCRUED. UK REP POINTED OUT THAT NEW DEFINITION OF CONTINENTAL SHELF ENTITLEMENT WOULD HAVE TO TAKE INTO ACCOUNT ARTICLES 1 AND 2 OF SHELF CONVENTION, DECISION IN NORTH SEA CONTINENTAL SHELF CASES, AND STATE PRACTICE. IN UK VIEW, COASTAL STATE WAS ENTITLED TO NATURAL PROLONGATION UNDER PRESENT LAW AND UK HAD MADE PROPOSAL TO PROVIDE PAYMENTS FOR BENEFIT OF INTERNATIONAL COMMUNITY FROM AREA BETWEEN 200 METERS AND EDGE OF CONTINENTAL MARGIN. (NIGERIA, KENYA, TANZANIA AND MALTA THEN ARGUED AGAINST STATE RIGHTS EXTENDING TO CONTINENTAL MARGIN.) IN RESPONSE TO QUESTION FROM TANZANIAN REP UK REP (SIR ROGER JACKLING) STATED THAT EXISTING LAW GAVE CONTINENTAL SHELF RIGHTS TO COASTAL STATES AND NOT CONTINENT AS SUCH.

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10. AUSTRALIAN REP POINTED OUT THAT 200-MILE LIMIT WAS PERFECTLY APPROPRIATE IN CASE OF FISHERIES BUT INAPPROPRIATE LIMIT FOR SEABED IN VIEW OF EXISTING LAW. (JAMAICA AND CAMEROON SUPPORTED AFRICAN POSITION THAT COASTAL STATE RIGHTS TO CONTINENTAL SHELF SHOULD NOT EXTEND BEYOND 200 MILES.) SWEDISH REP OBSERVED THAT EXISTING RIGHTS TO CONTINENTAL SHELF AT TIME TREATY ENTERS INTO FORCE WILL BE TEST OF ACQUIRED RIGHTS.

11. VENEZUELAN REP NOTED THERE WERE 3 VIEWS. FIRST WAS OAU DECLARATION WHICH CONCLUDED CONTINENTAL SHELF CONCEPT WAS UNNECESSARY. SECOND WAS SANTO DOMINGO APPROACH IN WHICH CONTINENTAL SHELF AND ECONOMIC ZONE CO-EXISTED WHERE BOTH COINCIDED. THIRD WAS AUSTRALIA/NORWAY PROPOSAL IN WHICH COASTAL STATES WOULD HAVE

RIGHTS TO WHERE NATURAL PROLONGATION WENT BEYOND
200 MILES. DRAFTS HAD POINTS OF AGREEMENT IN THAT
COASTAL STATES WOULD HAVE SOVEREIGN RIGHTS OVER NATURAL
RESOURCES IN ZONE BUT FREEDOM OF NAVIGATION AND OVER-
FLIGHT WOULD EXIST IN AREA OUT TO 200 MILES. VENEZUELA
WAS PREPARED TO ALLOW LANDLOCKED STATES AND OTHER DIS-
ADVANTAGED COUNTRIES IN REGION TO HAVE FREE ACCESS TO
THEIR ECONOMIC ZONE FOR FISHERIES PURPOSES. BASSIN
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